

1970

c 7 Age Discrimination Act

Ontario

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CHAPTER 7

The Age Discrimination Act

1. In this Act,Interpre-
tation

- (a) "age" means any age of forty years or more and less than sixty-five years;
- (b) "Commission" means the Ontario Human Rights Commission;
- (c) "employers' organization" means an organization of employers formed for purposes that include the regulation of relations between employers and employees;
- (d) "Minister" means the Minister of Labour or such other member of the Executive Council to whom this Act is assigned by the Lieutenant Governor in Council;
- (e) "person", in addition to the extended meaning given it by *The Interpretation Act*, includes an employment agency, an employers' organization and a trade union;
- (f) "trade union" means an organization of employees formed for purposes that include the regulation of relations between employees and employers. 1966, c. 3, s. 1.

R.S.O. 1970,
c. 225**2.—(1)** This Act shall be administered by the Commission.Administra-
tion of Act

(2) The Commission is responsible to the Minister for its administration of this Act. 1966, c. 3, s. 2.

Idem

3. Subject to the approval of the Lieutenant Governor in Council, the Commission may exempt designated occupations from this Act or any provision thereof. 1966, c. 3, s. 3.

Exemptions
from Act

4. Nothing in this Act affects the operation of any *bona fide* retirement or pension plan or the terms or conditions of any *bona fide* group or employee insurance plan. 1966, c. 3, s. 4.

Application
of Act

5. This Act applies to and binds the Crown in right of Ontario and every agency thereof. 1968-69, c. 1, s. 1.

Crown
bound
by Act

6.—(1) No employer or person acting on behalf of an employer shall,

Prohibitions

- (a) refuse to employ or to continue to employ any person or discriminate against any person with regard to employment or any condition of employment; or

- (b) refuse promotion to an employed person; or
- (c) publish or display or cause to be published or displayed or permit to be published or displayed any notice, sign, advertisement or publication that expresses directly or indirectly any intention to make any limitation, specification or discrimination with respect to the employment or prospective employment of any person,

because of his age. 1966, c. 3, s. 5 (1); 1963, c. 2, s. 1.

Idem (2) No trade union shall exclude from membership or expel or suspend any person or member or discriminate against any person because of his age. 1966, c. 3, s. 5 (2).

Complaints **7.**—(1) The Commission itself or through any person designated so to do may inquire into the complaint of any person that he or any person has been discriminated against contrary to this Act and it shall endeavour to effect a settlement of the matter complained of.

Form of complaint (2) Every such complaint shall be in writing on the form prescribed by the Commission and shall be mailed or delivered to the Commission at its office.

Boards of inquiry (3) If the Commission is unable to effect a settlement of the matter complained of, the Minister may, on the recommendation of the Commission, appoint a board of inquiry composed of one or more persons to investigate the matter and shall forthwith communicate the names of the members of the board to the parties to the complaint, and thereupon it shall be presumed conclusively that the board was appointed in accordance with this Act.

Powers R.S.O. 1970, c. 232 (4) The board has all the powers of a conciliation board under section 30 of *The Labour Relations Act*.

Duties (5) The board shall give the parties full opportunity to present evidence and to make submissions and, if it finds that the complaint is supported by the evidence, it shall recommend to the Commission the course that ought to be taken with respect to the complaint.

Majority recommendations to prevail (6) If the board is composed of more than one person, the recommendations of the majority are the recommendations of the board.

Clarification of recommendations (7) After the board has made its recommendations, the Commission may direct it to clarify or amplify any of them, and they shall be deemed not to have been received by the Commission until they have been so clarified or amplified.

Minister's order (8) The Minister, on the recommendation of the Commission, may issue whatever order he considers necessary to carry the

recommendations of the board into effect, and such order is final and shall be complied with in accordance with its terms.

(9) The Lieutenant Governor in Council may determine the rate of remuneration of the chairman and members of boards of inquiry appointed under this section. 1966, c. 3, s. 6. Remuneration

8. Every person who contravenes any provision of this Act or any order made under this Act is guilty of an offence and on summary conviction is liable, Offences

- (a) if an individual, to a fine of not more than \$100; or
- (b) if a corporation, trade union, employers' organization or employment agency, to a fine of not more than \$500. 1966, c. 3, s. 7 (1).

9. No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Minister. 1966, c. 3, s. 8. Consent to prosecution

10. A prosecution for an offence under this Act may be instituted against a trade union or employers' organization in the name of the union or organization, and any act or thing done or omitted by an officer, official or agent of a trade union or employers' organization within the scope of his authority to act on behalf of the trade union or employers' organization shall be deemed to be an act or thing done or omitted by the trade union or employers' organization. 1966, c. 3, s. 9. Style of prosecution

11.—(1) Where a person has been convicted of a contravention of this Act, the Minister may apply by way of originating notice to a judge of the Supreme Court for an order prohibiting such person from continuing such contravention. Injunction proceedings

(2) The judge in his discretion may make such order and the order may be entered and enforced in the same manner as any order or judgment of the Supreme Court. 1966, c. 3, s. 10. Idem
